

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Status of Claims:

No claims are currently being added, canceled or amended.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 2-26 remain pending in this application.

Second Request - Procedural Issue Re: Filing of Certified Copy of Priority Document:

As mentioned in the previously-filed reply, a certified copy of the priority document was filed, along with a claim for convention priority, with the PTO on January 12, 2001; however, the PTO has not acknowledged receipt of these filings. Such acknowledgement is respectfully requested in the next PTO correspondence.

Claim Rejections – Prior Art:

In the Office Action, claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,388,665 to Linnett in view of U.S. Patent No. 5,115,501 to Kerr and further in view of U.S. Patent No. 6,437,836 to Huang et al.; claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,933,141 to Smith in view of Linnett and further in view of Huang et al.; claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,933,141 to Smith in view of Linnett and further in view of Kerr and further in view of Huang et al.; claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,412,110 to Schein et al. in view of Smith et al. and Linnett and Kerr and further in view of Huang et al.; claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,412,110 to Schein et al. in view of Smith et al. and Linnett and Kerr and Huang et al. and further in view of U.S. Patent No. 5,974,372 to Barnes; claims 5, 6 and 10-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kerr in view of Smith et al. and further in view of Huang et al.; claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kerr in

view of Schein et al. and further in view of Huang et al.; and claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schein et al. in view of Linnett and further in view of Huang et al. These rejections are traversed for at least the reasons given below.

In its rejection of claim 8, the Office Action asserts that column 4, lines 8-21 of Huang teaches the downloading of software that serves “as an additional GUI independent, on top of and external to the base software of the software of various devices it interfaces.” Applicant respectfully disagrees with this assertion, with respect to the specific features recited in claim 8. In particular, column 4, lines 8-21 of Huang describes a system whereby remote control functions for a remote control unit are shifted from firmware to software, whereby new codes are made available at all times through the Internet and downloaded into an application which can utilize these codes for the targeted consumer electronics device. In essence, Huang teaches a system whereby a remote control unit can be programmed for new television units that were not even built when the remote control unit was made, whereby the new codes for programming the new television units can be programmed into the remote control unit. It should be clear from this discussion that Huang’s teaching of the ability to reprogram codes into a remote control unit are not related to a GUI for that unit, whereby a GUI corresponds to a Graphical User Interface.

Furthermore, claim 8 recites overlay software and base software, whereby a GUI widget is displayed and controlled by the overlay software external to and independent of the base software, and whereby the screen is displayed by the base software. Thus, in claim 8, both the base software and the overlay software are utilized, whereby Huang’s teachings appear to be directed to replacing the entire base software with new base software, and whereby there is no teaching or suggestion of utilizing base software for performing some functions and of utilizing overlay software for performing other functions.

Still further, the Office Action asserts, in substance, that Huang discloses a system in which a GUI external to base software is supplied to a device, whereby the base software is controlled. Applicant respectfully disagrees with this assertion. Namely, in the system of Huang, the GUI displayed on the device (a PDA) is generated by the base software, and thus is not external to the base software. This is much different from the features recited in claim 8, whereby a GUI of the base software is detected from the exterior and whereby a different GUI is generated for display.

Accordingly, for at least the reasons given above, and since none of the other cited art of record rectifies the above-mentioned deficiencies of Huang, presently pending independent claim 8 is patentable over the cited art of record.

All of the other presently pending independent claims recite similar features to those discussed above with respect to claim 8, and thus those other presently pending independent claims are also patentable over the cited art of record.

Response to Comments on Page 27 of Office Action:

On page 27 of the Office Action, it asserts that “it is noted that the features upon which applicant relies (i.e., displaying overlay software based on analyzing the screen by an external software which is different from the base software) are not recited in the rejected claims(s).” Applicant respectfully disagrees. Namely, independent claim 4 recites “analyzing the screen displayed by the base software”. This clearly means that the base software is used to display the screen. Independent claim 4 also recites “said GUI widget being displayed and controlled by said overlay software external to and independent of said base software.” This clearly means that the overlay software is used to display and control the GUI widget, whereby the GUI software is different from (e.g., independent of) the base software, and thus the GUI software is “external software” with respect to the base software. Thus, the remarks previously made are commensurate with the presently pending claims.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 28, 2005

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